

8B.11 Empower rural Iowa — broadband grants — fund.

1. The office shall administer a broadband grant program designed to reduce or eliminate unserved and underserved areas in the state, leveraging federal funds and public and private partnerships where possible, by awarding grants to communications service providers that reduce or eliminate targeted service areas by installing broadband infrastructure that facilitates broadband service in accordance with the following:

a. The broadband infrastructure facilitates broadband service that provides a minimum download speed of one hundred megabits per second and a minimum upload speed of one hundred megabits per second in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area in [section 8B.1](#).

b. The broadband infrastructure facilitates broadband service that provides a minimum download speed of one hundred megabits per second and a minimum upload speed of one hundred megabits per second in a targeted service area within which no communications service provider offers or facilitates broadband service that provides any of the following:

(1) Download speeds less than or equal to the tier 2 download speed specified in the definition of targeted service area in [section 8B.1](#).

(2) Download speeds less than or equal to the tier 3 download speed specified in the definition of targeted service area in [section 8B.1](#).

2. a. An empower rural Iowa broadband grant fund is established in the state treasury under the authority of the office. The fund shall consist of moneys available to and obtained or accepted by the office. Moneys in the fund are appropriated to the office to be used for the grant program, including for broadband mapping and the administration and operation of the grant program, and for the fiberoptic network conduit installation program established in [section 8B.25](#).

b. The office shall use moneys in the fund to provide grants to communications service providers pursuant to [this section](#) and to lead and coordinate the fiberoptic network conduit installation program pursuant to [section 8B.25](#). The office may use not more than two and one-half percent of the moneys in the fund at the beginning of the fiscal year to pay the costs and expenses associated with the administration and operation of the grant program and the fiberoptic network conduit installation program. The office shall use moneys in the fund to leverage available federal moneys if possible.

c. Notwithstanding [section 8.33](#), moneys in the fund that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure for the purposes designated until three years following the last day of the fiscal year in which the funds were originally appropriated.

d. Notwithstanding paragraph “c” or any provision to the contrary, moneys in the fund that have been awarded but not paid to a communications service provider shall not revert but shall remain available to the office for purposes of administering the award in a manner consistent with the terms and conditions of any corresponding contract or grant agreement governing the administration of the award.

3. Communications service providers may apply to the office for a grant pursuant to [this section](#) for the installation of broadband infrastructure that facilitates broadband service in targeted service areas. The office shall make available a public internet site identifying all publicly available information contained in the applications and any results of performance testing conducted after the project is completed. The office shall devote one full-time equivalent position to evaluate applications submitted under [this section](#) and provide technical assistance to communications service providers in completing applications for federal funds, or any other funds from any public or private sources, related to improving broadband infrastructure.

4. a. The office shall award grants on a competitive basis for the installation of broadband infrastructure that facilitates broadband service as provided in [subsection 3](#) in targeted service areas after considering the following:

(1) The relative need for broadband infrastructure in the area and the existing broadband service speeds, including whether the project serves a rural area or areas.

(2) The applicant's total proposed budget for the project, including all of the following:

(a) The amount or percentage of local or federal matching funds, if any, and any funding obligations shared between public and private entities.

(b) The percentage of funding provided directly from the applicant, including whether the applicant requested from the office an amount less than the maximum amount the office could award pursuant to [subsection 5](#) and, if so, the percentage of the project cost that the applicant is requesting.

(3) The relative download and upload speeds of proposed projects for all applicants.

(4) The specific product attributes resulting from the proposed project, including technologies that provide higher qualities of service, such as service levels, latency, and other service attributes as determined by the office.

(5) The percentage of the homes, farms, schools, and businesses in the targeted service area that will be provided access to broadband service.

(6) The proportion of proposed projects that will result in the installation of broadband infrastructure in a targeted service area within which the only broadband service available provides the tier 1 download and upload speeds specified in the definition of targeted service area in [section 8B.1](#).

(7) Other factors the office deems relevant.

b. In considering the factors listed in paragraph "a" for awarding grants pursuant to [this section](#), the office shall afford the greatest weight to the factors described in paragraph "a", subparagraphs (1) through (3), and subparagraph (6).

5. The total amount of the grants the office awards from the empower rural Iowa broadband grant fund pursuant to [this section](#) shall not exceed any of the following amounts:

a. Seventy-five percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area in [section 8B.1](#).

b. Fifty percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 2 download and upload speeds specified in the definition of targeted service area in [section 8B.1](#).

c. Thirty-five percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download speeds less than or equal to the tier 3 download speed specified in the definition of targeted service area in [section 8B.1](#).

6. Notwithstanding [subsections 3 and 5](#), communications service providers may apply to the office for a grant pursuant to [this section](#) for the installation of broadband infrastructure that facilitates broadband service providing a minimum download speed of one hundred megabits per second and a minimum upload speed of twenty megabits per second in targeted service areas pursuant to [this subsection](#). The office shall make available a public internet site identifying all publicly available information contained in the applications and any results of performance testing conducted after the project is completed.

a. The office shall award grants under [this subsection](#) on a competitive basis after considering the factors provided in [subsection 4](#) and affording weight to the factors pursuant to [subsection 4](#), paragraph "b".

b. The total amount of the grants the office shall award pursuant to [this subsection](#) shall not exceed fifty percent of a communications service provider's project costs for projects that will result in the installation of broadband infrastructure in a targeted service area within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area in [section 8B.1](#).

7. Notwithstanding [subsections 5 and 6](#), at least twenty percent of the total amount of the grants the office awards from the empower rural Iowa broadband grant fund pursuant to [this section](#) shall be allocated to projects that will result in the installation of broadband infrastructure in difficult to serve targeted service areas within which no communications service provider offers or facilitates broadband service that provides download and upload speeds less than or equal to the tier 1 download and upload speeds specified in the definition of targeted service area in [section 8B.1](#). For purposes of [this subsection](#), a targeted service area is difficult to serve if the soil conditions, topography, or other local conditions make the installation of broadband infrastructure in the targeted service area more time-consuming or labor-intensive compared to other areas of the state.

8. The office shall provide public notice regarding the application process and receipt of funding.

9. The office may adopt rules pursuant to [chapter 17A](#) interpreting [this chapter](#) or necessary for administering [this chapter](#), including but not limited to rules relating to the broadband grant program process, management, and measurements as deemed necessary by the office.

10. The office shall adopt rules establishing procedures to allow aggrieved applicants an opportunity to challenge the office's award of grants under [this section](#).

[2015 Acts, ch 120, §32; 2019 Acts, ch 159, §6 – 11; 2020 Acts, ch 1078, §6 – 12, 17, 18; 2021 Acts, ch 47, §3, 5, 6](#)

Referred to in [§8B.4, 8B.9, 8B.10](#)

Subsection 2, paragraph d, applies retroactively to July 1, 2015; 2020 Acts, ch 1078, §18

2021 amendment applies to applications for grants submitted pursuant to section 8B.11 on or after April 28, 2021; 2021 Acts, ch 47, §5, 6

Section amended